

Robert W. Seiden

Court-Appointed Temporary Receiver for Link Motion Inc.
Pursuant to The Honorable Judge Victor Marrero of the
United States District Court, Southern District of New York

322 Eighth Avenue Suite 1200 New York, NY 10001 (212) 523-0686 rseiden@seidenlaw.com

VIA ECF

Hon. Victor Marrero
United States Courthouse
500 Pearl Street
New York, New York 10007

July 14, 2023

Re: *Baliga, et al. v. Link Motion Inc., et al.*, 1:18-cv-11642-VM-VF (S.D.N.Y.)

Dear Judge Marrero,

I write to further update the Court on matters concerning Link Motion Inc.'s ("LKM") failure to pay amounts due to Maples Group ("Maples"), LKM's registered agent in the Cayman Islands. See ECF 382, 384, 385, 386, 388, 390. As I previously explained in my January 9, 2023 Letter (ECF 382), LKM's failure to pay amounts due to Maples has resulted in LKM's loss of good standing and created a significant risk that, if non-payment continues, LKM may be struck off the Cayman Register. On January 20, 2023, the Court issued an Order (ECF 390), instructing the Receiver to advise the Court if it receives notice from the Cayman Islands Registrar.

On July 13, 2023, the Receiver received another email from Maples (attached hereto as Exhibit A) relating to LKM's continued failure to pay Maples's 2023 annual return invoice (the "Maples Invoice"). In its email, Maples indicated that because LKM failed to pay the Maples Invoice by June 30, 2023, Maples was unable to pay the Government annual return fee, which resulted in a penalty that is now due to the Cayman Islands Government. Maples further warned that:

[A]s a result of non-payment of the annual return fee, [LKM] is no longer in good standing with the Registrar of Companies and, **if non-payment continues, in due course the Registrar of Companies will list [LKM] for striking from the Register**, whereupon it will be dissolved and any assets of [LKM] will vest in the Cayman Islands Government and unauthorised dealings therewith will be illegal.

Ex. A (emphasis added). Given that there are no funds available to the Receivership, the Receiver is unable to pay the Maples Invoice. Further, in light of the Court's order requiring the Receiver to preserve the "status quo" (ECF 331), my office has not taken any actions in response to the Maples Invoice other than to inform Maples that the Receiver is required to preserve the status quo and has no funds. In light of Maples' July 13 email, I hereby renew my request that the Court order defendant Shi to deposit \$103,219.51 with the Receiver in order to facilitate payment to Maples and fund the \$100,000 minimum balance in the Receivership Account. Please do not hesitate to contact me via email or telephone if your Honor wishes to discuss this matter in further detail.



Robert W. Seiden, Esq.
Court-Appointed Temporary Receiver
for Link Motion Inc.

cc: All Parties (via ECF)

Exhibit A

From: [Amiad Kushner](#)
To: [Nathaniel Francis](#); [Lily Dempsey](#)
Cc: [Xintong Zhang](#)
Subject: FW: Link Motion Inc. – Urgent
Date: Thursday, July 13, 2023 5:20:23 PM

From: Jocelyn Cheung <Jocelyn.Cheung@maples.com>
Sent: Thursday, July 13, 2023 3:31:56 AM
To: Xintong Zhang <xzhang@seidenlawgroup.com>; Steven Seiden <sseiden@seidenlaw.com>
Cc: #link motion inc [661944.000001] <661944.000001.hongkong@hk.maples.com>; Amiad Kushner <akushner@seidenlaw.com>; Robert Seiden <rseiden@seidenlaw.com>; Derrick Kan <Derrick.Kan@maples.com>
Subject: RE: Link Motion Inc. – Urgent

Dear Xintong,

Link Motion Inc. (the "Company")

We do not have any record of payment of the 2023 annual return invoice for the Company (a copy of which is attached, along with copies of any other outstanding invoice(s) you have). As a result, we were unable to pay the Government annual return fee by the deadline of 30 June 2023 for the avoidance of penalties. Accordingly, a penalty has now become payable to the Cayman Islands Government and a copy of our penalty invoice dealing with this is attached.

Our invoices (including the new penalty invoice) should now be paid without further delay and we would be very grateful if you could arrange for prompt settlement.

Please note that further penalties will be imposed by the Registrar of Companies if the 2023 annual return fee and/or penalty remain unpaid.

Please also note that we cannot accept responsibility for paying the annual return fee and any penalty until such time as the necessary funds are received and are identified by us as relating to the relevant invoices. **Accordingly, when making payment, please ensure that the invoice numbers and the name of the Company are quoted. If possible, when paying by wire transfer, please scan and e-mail to me a copy of the wire transfer instructions or (alternatively) send an email (to accountshelp@maples.com) confirming the date funds were sent, the amount transferred, the invoice numbers and the name of the Company.** This will greatly facilitate us in identifying the payment from the many others we receive at this time of year.

We would mention that, as a result of non-payment of the annual return fee, the Company is no longer in good standing with the Registrar of Companies and, if non-payment continues, in due course the Registrar of Companies will list the Company for striking from the Register, whereupon it will be dissolved and any assets of the Company will vest in the Cayman Islands Government and unauthorised dealings therewith will be illegal.

If you have any questions, please feel free to e-mail me or give me a call. My telephone number is set out below.

Many thanks.

Yours sincerely
Jocelyn

Jocelyn Cheung

Legal Secretary to Derrick Kan and Charmaine Chow

MAPLES GROUP

Direct +852 3690 7476

Maples and Calder (Hong Kong) LLP, 26th Floor, Central Plaza, 18 Harbour Road, Wanchai, Hong Kong

maples.com

From: Jocelyn Cheung <Jocelyn.Cheung@maples.com>

Sent: Wednesday, April 12, 2023 5:25 PM

To: Xintong Zhang <xzhang@seidenlawgroup.com>; Steven Seiden <sseiden@seidenlaw.com>

Cc: #link motion inc [661944.000001] <661944.000001.hongkong@hk.maples.com>; Amiad Kushner <akushner@seidenlaw.com>; Robert Seiden <rseiden@seidenlaw.com>; Derrick Kan <Derrick.Kan@maples.com>

Subject: Link Motion Inc. – Urgent

Dear Seiden team,

Link Motion Inc. (the "Company")

We do not have any record of payment of the 2023 annual return invoice for the Company (a copy of which is attached, along with copies of any other outstanding invoice(s) you have). As a result, we were unable to pay the Government annual return fee by the deadline of 31 March 2023 for the avoidance of penalties. Accordingly, a penalty has now become payable to the Cayman Islands Government and a copy of our penalty invoice dealing with this is attached.

Our invoices (including the new penalty invoice) should now be paid without further delay and we would be very grateful if you could arrange for prompt settlement.

Please note that further penalties will be imposed by the Registrar of Companies if the 2023 annual return fee and/or penalty remain unpaid.

Please also note that we cannot accept responsibility for paying the annual return fee and any penalty until such time as the necessary funds are received and are identified by us as relating to the relevant invoices. **Accordingly, when making payment, please ensure that the invoice numbers and the name of the Company are quoted. If possible, when paying by wire transfer, please scan and e-mail to me a copy of the wire transfer instructions or (alternatively) send an email (to accountshelp@maples.com) confirming the date funds were sent, the amount transferred, the invoice numbers and the name of the Company.** This will greatly facilitate us in identifying the payment from the many others we receive at this time of year.

We would mention that, as a result of non-payment of the annual return fee, the Company is no longer in good standing with the Registrar of Companies and, if non-payment continues, in due course the Registrar of Companies will list the Company for striking from the Register, whereupon it will be dissolved and any assets of the Company will vest in the Cayman Islands Government and unauthorised dealings therewith will be illegal.

If you have any questions, please feel free to e-mail me or give me a call. My telephone number is set out below.

Many thanks.

Jocelyn Cheung

Legal Secretary to Derrick Kan and Charmaine Chow

MAPLES GROUP

Direct +852 3690 7476

Maples and Calder (Hong Kong) LLP, 26th Floor, Central Plaza, 18 Harbour Road, Wanchai, Hong Kong

maples.com

This email has been sent by and on behalf of Maples and Calder (Hong Kong) LLP, a limited liability partnership under the Hong Kong Legal Practitioners Ordinance (Cap 159) registered with the Law Society of Hong Kong as a foreign law firm advising on the laws of the Cayman Islands and British Virgin Islands and Ireland ("the Firm"). The principal place of business of the Firm is at 26th Floor, Central Plaza, 18 Harbour Road, Wanchai, Hong Kong. A list of Hong Kong resident partners and all our associates is available by clicking [here](#). The title of "partner" is used to refer to a partner of the Firm or a consultant or employee with equivalent standing and qualifications. The partner responsible for the overall supervision of the matter being handled by the Firm for you is the partner identified in the applicable engagement letter, or as otherwise subsequently identified to you in the event there has been a change.

The Firm provides legal services to its clients under its standard terms of engagement which are available by clicking [here](#) or from your usual contact at the Firm. Maples Corporate Services Limited in the Cayman Islands and Maples Corporate Services (BVI) Limited in the British Virgin Islands provide registered agent and/or registered office services to their clients under their standard terms and conditions which are available by clicking [here](#) or from your usual contact at the Firm. For further information about the Firm, please visit www.maples.com/locations/asia-pacific/hong-kong/. For further information about the Maples Group, please visit www.maples.com.

This email (including any attachments) is confidential and may also be privileged. No confidentiality or privilege is waived or lost by any error in transmission. It is intended solely for the use of the recipient(s) to whom it is addressed. It should not be read, copied, distributed, relied upon or otherwise used by any other person. If you have received this email in error, please delete it from your system and notify the sender immediately. All communications sent by the Firm to its clients are subject to its standard terms of engagement and the Firm does not accept or assume responsibility for any use of or reliance on this email by anyone, other than the client named in the applicable engagement letter with the Firm.